

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2408.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VODKA.

On April 29 and April 30, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation—

(1) Of two cases of vodka, one of which remained in the possession of S. Feinstein, Fifth and Lombard Streets, Philadelphia, Pa., and one in the possession of J. Okinsky, Thirteenth and Callowhill Streets, Philadelphia, Pa., the first case containing 150 bottles and the other case containing 50 bottles of vodka, said bottles being of varying sizes and capacities, those in the first case containing 4 fluid ounces or upward, and those in the second case containing 14 fluid ounces and upward, the first case having been opened and a part of the bottles taken therefrom and exposed for sale, and the bottles in the second case remaining unsold in the original unbroken packages, the libels alleging that the product had been shipped on or about April 26, 1912, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product in these cases was labeled, in the Russian language (translated into the English): "Government Pure Alcohol," and was labeled, in addition, in English: "Monopole Vodka, Made and Bottled in Russian Monopole." Adulteration of the product was alleged in the libels for the reason that a certain substance other than vodka, to wit, a dilute solution of alcohol, had been substituted wholly for the product. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements were false and misleading in that they purported to represent that the product was vodka, whereas it was not vodka but was an imitation of vodka. Misbranding was alleged for the further reason that the statements aforesaid on the labels were false and misleading in that they purported to represent that the article was a foreign product, whereas, in truth

and in fact, it was not a foreign product, but was a product of the United States of America.

(2) Of one case of vodka remaining unsold in the original unbroken package in possession of the Pennsylvania Railroad Co., Pier 10, South Wharves, Delaware River, Philadelphia, Pa., alleging that the product had been shipped on or about April 26, 1912, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "23117 4 27 12 1 Qrt. 1 Pint 26½ Pint 1¼ Pint Wheeler & Shore, 18 N. 6th St. Philadelphia Pa. From Russian Monopole Co. 90 Grand St. Bklyn. N. Y.," and on bottles, in the Russian language (translated into English): "Government Pure Alcohol," and also in the English language, "Monopole Vodka, Made in Russian Monopole." Adulteration of the product was alleged in the libel for the reason that a dilute solution of alcohol had been substituted for genuine vodka. Misbranding was alleged for the reason that the product was labeled on the bottles as set forth above, and the statements were false and misleading in that the product was not vodka, but was an imitation of vodka, and for the further reason that the product was labeled as aforesaid and purported to be a foreign product when not so.

(3) Of three cases of vodka remaining unsold in the original unbroken packages, two of which were at a warehouse on the northeast corner of Fourth and Vine Streets, Philadelphia, Pa., and one of which was in possession of the Pennsylvania Railroad Co., Pier 10, South Wharves, Delaware River, Philadelphia, Pa.; the first two cases containing 500 bottles of approximately 4 fluid ounces of vodka, and the other case containing 50 bottles of approximately 28 fluid ounces of vodka, alleging that the product had been shipped on or about April 16 and April 24, 1912, respectively, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The product was labeled, in Russian (translated into English): "Government Pure Alcohol 1/100 (or 1/20) Package Strength 57% Price: Spirits 12K (or 60K) Glass 2K (or 4K) Total 14K (or 64K)," and was also labeled in English: "Monopole Vodka Made and Bottled in Russian Monopole." Adulteration of the product was alleged in the libels for the reason that a dilute solution of alcohol had been substituted for genuine vodka. Misbranding was alleged for the reason that the product was labeled as set forth above, and the statements on the labels were false and misleading in that the product was not vodka, but was an imitation of vodka. Misbranding was alleged for the further reason that the product was labeled as aforesaid and purported to be a foreign product when not so.

On May 15, 1912, the Russian Monopole Vodka Co., claimant, Brooklyn, N. Y., by its attorney, Harry Cohen, Esq., filed its answers to the libels, which answers, by agreement of counsel, were, on September 25, 1912, withdrawn, and on October 23, 1912, the court, on motion of the United States attorney, granted an order for the sale of the property, which order was, by leave of court, on January 15, 1913, vacated and, on the date last mentioned, a decree of condemnation and forfeiture was entered in the case and it was further ordered that the product covered by all the libels referred to should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

